

BEFORE THE BOARD OF ENVIRONMENTAL REVIEW  
OF THE STATE OF MONTANA

In the matter of the amendment ) NOTICE OF PUBLIC HEARING ON  
of ARM 17.8.302 pertaining to ) PROPOSED AMENDMENT  
incorporation by reference of )  
hazardous air pollutants )  
emission standards ) (AIR QUALITY)

TO: All Concerned Persons

1. On \_\_\_\_\_ 2002 at \_\_\_\_\_ a.m., the Board of Environmental Review will hold a public hearing in Room \_\_\_\_\_ of the Metcalf Building, 1520 East Sixth Avenue, Helena, Montana, to consider the proposed amendment of the above-stated rule.

2. The Board will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board no later than 5:00 p.m., \_\_\_\_\_, to advise us of the nature of the accommodation that you need. Please contact the Board Secretary at P.O. Box 200901, Helena, Montana, 59620-0901; phone (406) 444-2544; fax (406) 444-4386 or email ber@state.mt.us.

3. The rule proposed to be amended provides as follows, stricken matter interlined, new matter underlined:

17.8.302 INCORPORATION BY REFERENCE (1) For the purposes of this subchapter, the board hereby adopts and incorporates herein by reference the following:

(a) through (e) remain the same.

(f) 40 CFR Part 63, specifying emission standards for hazardous air pollutant source categories including the final rules published at ~~66 FR 3179 on January 12, 2001, "National Emission Standards for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand Alone Semichemical Pulp Mills"~~, to be codified at 40 CFR 63, subpart ~~MM~~ 67 FR 16581 on April 5, 2002, "National Emissions Standards for Hazardous Air Pollutants for Source Categories: General Provisions; and Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections, Sections 112(q) and 112(j)", to be codified at 40 CFR 63, subparts A and B.

(2) through (4) remain the same.

AUTH: 75-2-111, 75-2-203, MCA  
IMP: 75-2-203, MCA

REASON: The proposed rule would incorporate by reference the new national emission standards for hazardous air pollutants (NESHAP) General Provisions and the new federal maximum

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achievable control technology (MACT) standards. The General Provisions to 40 CFR Part 63 establish the framework for emission standards and other requirements developed pursuant to section 112(d) of the FCAA. They eliminate the repetition of general information and requirements in individual NESHAPs by consolidating all generally applicable information in one location. The federal amendments clarify and make the General Provisions more flexible.

The section 112(j) rule establishes requirements and procedures for owners or operators of major sources of hazardous air pollutants (HAP) and permitting authorities to comply with section 112(j) of the FCAA, which establishes equivalent emission limitations by permit. The FCAA required EPA to issue MACT standards over a ten-year schedule. If EPA missed the regulatory deadline by 18 months (May 15, 2002), section 112(j) required affected industrial sources to review their operating permits to contain emission limits equivalent to the limits that EPA should have established.

The federal amendments modify current regulations regarding the timing of permit applications and when and how the MACT standards apply. MACT standards for new sources will apply when a facility's operating permit is issued, rather than by 18 months after the FCAA's regulatory deadline. The amendments create a two-part permit application process. Part 1, which will include basic information such as source type and location, was due by May 15, 2002 from all major sources in source categories for which EPA has failed to issue national emission control standards. Part 2 will include the relevant process, pollutant, and control information to allow permitting authorities to develop MACT standards for the facility equivalent to what EPA would have developed. They would be due to the appropriate permitting authority within 24 months after the Part 1 application. EPA expects to promulgate all remaining MACT standards before any facility would be required to submit Part 2 of its operating permit application.

4. Concerned persons may submit their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to the Board of Environmental Review, P.O. Box 200901, Helena, Montana, 59620-0901, faxed to (406) 444-4386 or emailed to the Board Secretary at ber@state.mt.us and must be received no later than 5:00 p.m., \_\_\_\_\_, 2002. To be guaranteed consideration, the comments must be postmarked on or before that date.

5. Thomas Bowe, attorney for the Board, has been designated to preside over and conduct the hearing.

6. The Board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name and

mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding: air quality; hazardous waste/waste oil; asbestos control; water/wastewater treatment plant operator certification; solid waste; junk vehicles; infectious waste; public water supplies; public sewage systems regulation; hard rock (metal) mine reclamation; major facility siting; opencut mine reclamation; strip mine reclamation; subdivisions; renewable energy grants/loans; wastewater treatment or safe drinking water revolving grants and loans; water quality; CECRA, underground/above ground storage tanks; MEPA; or general procedural rules other than MEPA. Such written request may be mailed or delivered to the Board of Environmental Review, 1520 E. Sixth Ave., P.O. Box 200901, Helena, Montana 59620-0901, faxed to the office at (406) 444-4386, emailed to the Board Secretary at ber@state.mt.us or may be made by completing a request form at any rules hearing held by the Board.

7. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BOARD OF ENVIRONMENTAL REVIEW

By: \_\_\_\_\_  
JOSEPH W. RUSSELL, M.P.H.  
Chairman

Reviewed by:

\_\_\_\_\_  
DAVID M. RUSOFF, Rule Reviewer

Certified to the Secretary of State, \_\_\_\_\_, 2002.